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COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

SUMMARY RECORD OF THE 229th MEETING

Held at Headquarters, New York,
on Monday, 28 April 1997, at 10.30 a.m.

Chairman: Mr. KA (Senegal)

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The meeting was called to order at 10.55 a.m.

ADOPTION OF THE AGENDA

1. Mr. AL-KIDWA (Observer for Palestine) proposed that an item on the tenth emergency special session of the General Assembly should be added to the agenda.

2. The agenda, as amended, was adopted.

REPORT BY THE CHAIRMAN ON THE SIXTY-FIFTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS OF THE ORGANIZATION OF AFRICAN UNITY, HELD IN TRIPOLI FROM 24 TO 28 FEBRUARY 1997, AND THE TWELFTH MINISTERIAL CONFERENCE OF THE MOVEMENT OF NON-ALIGNED COUNTRIES, HELD IN NEW DELHI FROM 4 TO 8 APRIL 1997

3. The CHAIRMAN, reporting on the sixty-fifth ordinary session of the Council of Ministers of the Organization of African Unity (OAU), said that, at the suggestion of Senegal, questions relating to the situation in the Middle East and in the occupied Palestinian territory had been considered directly by the Ministers for Foreign Affairs in plenary session. Mr. Farouk Kaddoumi of the Political Department of the Palestine Liberation Organization (PLO) had briefed the Ministers on the latest developments in the occupied Palestinian territory, and particularly on Israel's intention to establish a new settlement in East Jerusalem.

4. He had urged members of the Drafting Committee to do their utmost to ensure that the final document of the session reflected the importance of the rights of the Palestinian people and the need to protect the ongoing peace process.

5. The Council of Ministers had reaffirmed the right of the Palestinian people to exercise its national rights, including the right of return and the right of self-determination and to the creation of a State in accordance with the principles of international law. It had expressed grave concern at Israel's failure to comply with the basic principles of the peace process and had called on Israel to desist immediately from confiscating Palestinian land and establishing settlements, including in Jerusalem, in violation of, inter alia, Security Council resolutions 242 (1967) and 478 (1980). It had welcomed the Hebron agreement and decided to continue its support for the peace process, and had invited the international community to provide the necessary assistance to the Palestinian Authority in pursuing the peace process.

6. During the general debate, he had conveyed the Committee's concern at the deterioration of the situation in the occupied territories and at the potential threat to the peace process if the parties failed to respect the spirit and the letter of the commitments made. In particular, he had stressed the importance of convincing Israel to refrain from establishing a settlement in East Jerusalem, which could create a climate of tension and mistrust. Lastly, he had called on OAU to mobilize member States, international organizations and non-governmental organizations to provide the necessary assistance to the Palestinian people during the critical phase of transition and the initiation of final status negotiations.

7. As representative of Senegal on the Committee of Ambassadors at the Twelfth Ministerial Conference of the Movement of Non-Aligned Countries, he had taken an active part in the drafting of the Conference's Final Document, which contained an analysis of the international situation, including the situation in Palestine.

8. He had also participated in the meeting of the Ministerial Committee on Palestine of the Movement of Non-Aligned Countries, at which President Yasser Arafat had described the deteriorating situation in occupied Palestine. He had made a statement at the meeting, reaffirming the Committee's support for President Arafat's courageous and tireless efforts to achieve peace and noting that Senegal had been among the first countries to request the Secretary-General to convene the emergency special session of the General Assembly. He drew the Committee's attention to the communiqué issued at the end of the meeting of the Ministerial Committee on Palestine.

9. The Foreign Ministers of the Movement of Non-Aligned Countries had also adopted a special declaration on the deterioration of the situation in the Middle East. Lastly, at the opening of the Ministerial Conference, a special plenary session had been convened to hear a statement by President Arafat, which had subsequently been adopted unanimously as a document of the Conference.

UNITED NATIONS ASIAN SEMINAR AND NGO SYMPOSIUM ON THE QUESTION OF PALESTINE

10. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the provisional programme for the United Nations Asian Seminar and NGO Symposium on the Question of Palestine, to be held in Jakarta, Indonesia, from 4 to 7 May 1997, as contained in Working Paper No. 1.

11. It was so decided.

12. The CHAIRMAN announced that the Committee's delegation to the Symposium would consist of Mr. Farhadi (Afghanistan), Vice Chairman; Mr. Saliba (Malta), Rapporteur; Mr. Abdellah (Tunisia); Mr. Al-Kidwa (Observer for Palestine); and himself.

UNITED NATIONS SEMINAR ON ASSISTANCE TO THE PALESTINIAN PEOPLE

13. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the provisional programme for the United Nations Seminar on Assistance to the Palestinian People, to be held in Amman, Jordan, from 20 to 22 May 1997, as contained in Working Paper No. 2.

14. It was so decided.

UNITED NATIONS NORTH AMERICAN NGO SYMPOSIUM ON THE QUESTION OF PALESTINE

15. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the provisional programme for the United Nations North

American NGO Symposium on the Question of Palestine, to be held in New York from 9 to 11 June 1997, as contained in Working Paper No. 3.

16. It was so decided.

BRIEFING ON THE TENTH EMERGENCY SPECIAL SESSION OF THE GENERAL ASSEMBLY

17. The CHAIRMAN noted that the tenth emergency special session had adopted a resolution on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory (A/ES-10/L.1) by 135 votes to 3, with 11 abstentions.

18. Mr. AL-KIDWA (Observer for Palestine) said that the tenth emergency special session of the General Assembly had represented the triumph of justice and international law and had been an expression of support for the Middle East peace process. It had also signalled a rejection both of the abuse of the veto power in the Security Council and of the illegal actions taken by Israel in occupied East Jerusalem and the rest of the occupied Palestinian territory. He hoped that the outcome of the session would lead to a new situation in the Middle East and would induce Israel to comply with the relevant Security Council resolutions, the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the agreements signed by the parties. He noted that the overwhelming majority of Committee members had been in favour of holding an emergency special session and that almost all Member States had supported the resulting resolution.

19. It was important that the countries which were members of the Committee should implement the resolution, particularly paragraph 7 thereof, which called for the cessation of all forms of assistance and support for illegal Israeli activities in the occupied Palestinian territory, including Jerusalem, in particular settlement activities, and paragraph 8, on ensuring respect by Israel for the fourth Geneva Convention.

20. The Committee should also ensure the follow-up to the resolution by considering the report to be submitted by the Secretary-General within two months of the adoption of the resolution and, if necessary, by convening a resumed emergency special session should Israel fail to comply with the resolution.

21. Israel's initial reaction had been one of arrogance and intransigence. The Israeli Minister for Foreign Affairs had said that Israel would regard the resolution as null and void, and other Israeli officials had criticized not only the resolution but also the General Assembly and United Nations Member States. He hoped that that regrettable attitude was only temporary and that it would not be necessary to convene a resumed emergency special session.

BRIEFING BY MRS. LEA TSEMEL AND MR. OSAMA HALABY (AMERICAN FRIENDS SERVICE COMMITTEE) ON ISSUES RELATED TO PALESTINIAN RESIDENCY RIGHTS IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING JERUSALEM

22. At the invitation of the Chairman, Mrs. Tsemel and Mr. Halaby (American Friends Service Committee) took places at the Committee table.

23. The CHAIRMAN noted that Mrs. Tsemel was a prominent and respected Israeli lawyer who had been defending Palestinian political prisoners since the Israeli occupation of the Palestinian territory in 1967, while Mr. Halaby was a well-known and respected Palestinian Druze lawyer who had been Director of the Legal Department of the Quaker Legal Aid Centre in East Jerusalem for many years.

24. Mrs. TSEMEL (American Friends Service Committee) expressed the fear of Israelis and Palestinians alike that current Israeli policy would doom them to a future of hatred and recurring war. Since 1967, Palestinians had been allowed to leave the country while retaining their status, under an open-border policy which relieved the Government of Israel of the obligation to provide education, health and other services to all Palestinians under occupation. A recent change of policy, however, had led to the quiet deportation of Palestinians from Jerusalem in what amounted to an "ethnic cleansing" operation. Under the new policy, which the Supreme Court of Israel had termed "floating residency", Palestinians who had not resided in Jerusalem for a number of years or who had acquired a foreign nationality were being denied residency rights. In so doing, the Israeli Government was attempting to reduce the Palestinian population in Jerusalem of anticipation of the final status negotiations.

25. Jews, by contrast, including those without Israeli citizenship, retained their rights wherever they went. Jewish settlers in the West Bank and Gaza Strip could obtain social security benefits and free health care and education regardless of their citizenship, while Palestinians born in Jerusalem were denied those benefits. A Palestinian might also find it impossible to open a bank account because his name had been removed from computerized residency records.

26. That policy had not been introduced overnight by the Netanyahu administration, but had developed gradually over a number of years as a policy of the Israeli Labour Party. Once all Palestinians had been removed from Jerusalem, the same policy would be applied to the West Bank and Gaza Strip, even in areas under Palestinian control.

27. It was quite possible that, in the near future, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) would be dealing with the refugees of 1997, in addition to those of 1967 and 1948. Jordan would also face a new influx of refugees, as most Palestinians held Jordanian passports, and it would have to develop an appropriate response to that potential crisis.

28. Mr. HALABY (American Friends Service Committee) said that the legal framework for such deportations had been developing ever since 1967, when the Israeli Government had decided unilaterally to annex East Jerusalem. At that time, three bills had been submitted and immediately approved which expanded Israeli jurisdiction without actually using the term "annexation". Jerusalem Arabs had still held Jordanian passports, but had been issued with Israeli residency cards. As residents, they had become subject to Israeli law. Another effect of those laws had been that the right to build houses on privately owned land had come under the supervision of the Israeli planning authorities. Since 1967, less than five per cent of housing units built in Jerusalem had been built for the residents of Arab areas, and 25 per cent of the land in Arab areas had

been set aside as "green areas" - open public areas. Meanwhile, Arab land had been confiscated to build Israeli housing.

29. The confiscation of identity cards and the revocation of residency status had been directed initially against Palestinians who had been outside the country for an extended period. Currently, however, the policy was being applied to Palestinians who had simply moved outside the city limits of Jerusalem. Data from electoral rolls were also being used as a basis for confiscating identity cards and revoking residency rights.

30. The final determination as to Palestinians' residency rights could not be made, however, until the negotiations on the final status of Jerusalem were complete. Pending their outcome, the international community must demand a halt to Israeli construction. In conclusion, he expressed the hope that Jerusalem would truly become a "capital of peace".

31. Mr. AL-KIDWA (Observer for Palestine) said that he was grateful that the issue was receiving international attention. In his view, the problem stemmed from the incorporation of East Jerusalem into the City of Jerusalem and from the attitude that saw Jerusalem Arabs as foreigners. He asked whether specific figures were available on the number of identity documents confiscated.

32. Mrs. TSEMEL (American Friends Service Committee) said that the policy was being used against Palestinians who for some reason came into contact with the Ministry of the Interior, for instance, to register the birth of a new baby. Thus far, over 1,000 identity cards had been confiscated without any notice.

33. Mr. FARHADY (Afghanistan) said that he saw a direct relationship between the information just presented and paragraph 2 of resolution A/ES-10/2. That information would be helpful to the Committee in drafting a resolution for submission to the General Assembly on Israeli efforts to change the demographic status of East Jerusalem. Such actions were an obstacle to the peace process.

34. Mr. ZAKI (Observer for Egypt) expressed concern that members of the Committee had not been unanimous in their support for resolution A/ES-10/2. He would be interested to know whether, in the view of Mrs. Tsemel and Mr. Halaby, it was best to wait for the outcome of the bilateral negotiations on final status, or whether the involvement of United Nations organs and bodies such as the International Court of Justice or the Commission on Human Rights could be helpful.

35. Mr. HALABY (American Friends Service Committee) said that the United Nations, as a universal international forum, could play an important role by drawing attention to the larger dimensions of the issue and by calling repeatedly on Israel to desist from any further action until the final status negotiations were complete.

36. Mrs. Tsemel and Mr. Halaby withdrew.

OTHER MATTERS

37. The CHAIRMAN said that he had just been informed that Mr. Saliba (Malta) would be unable to participate in the Jakarta Seminar. He suggested that the Bureau should meet to determine whether another rapporteur should be designated on an interim basis or whether the two Vice-Chairmen attending the seminar could cover his duties.

38. It was so decided.

The meeting rose at 12.20 p.m.